

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL DAVIS BRYANT ,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

NO. CR-03-245-RHW
CV-07-309-RHW

**ORDER GRANTING PETITIONER'S
MOTION TO WITHDRAW**

Before the Court is Petitioner's Motion to Withdraw 2255 Petition Without Prejudice and Leave for Permission to Refile Said Motion on or Before January 2, 2008 (Ct. Rec. 176). This motion was heard without oral argument. Petitioner is appearing *pro se*. In his motion, Petitioner asks the Court to withdraw his Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Ct. Rec. 172), and to grant him leave to re-file that motion, presumably as amended, on or before January 2, 2008. As the Court stated in its Order Denying Petitioner's Motion for 180 Day Enlargement of Time as Moot (Ct. Rec. 175), Petitioner has until January 2, 2008, to file a timely petition under 28 U.S.C. § 2255.

Accordingly, **IT IS HEREBY ORDERED:**

1. Petitioner's Motion to Withdraw 2255 Petition Without Prejudice and Leave for Permission to Refile Said Motion on or Before January 2, 2008 (Ct. Rec. 176) is **GRANTED**.

2. Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Ct. Rec. 172) is **withdrawn without prejudice**. Petitioner may re-file a Motion Under 28 U.S.C. § 2255 at any time within the one-year limitation period set in § 2255.

ORDER GRANTING PETITIONER'S MOTION TO WITHDRAW * 1

1 **IT IS SO ORDERED.** The District Court Executive is hereby directed to enter
2 this order and to furnish a copy to the Petitioner.

3 **DATED** this 14th day of November, 2007.

4 *S/ Robert H. Whaley*

5 **ROBERT H. WHALEY**
6 Chief United States District Judge

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